

REMARKS

The claims have been amended to clearly distinguish over the prior art, and are believed to be allowable as now presented.

Claim 1, the single independent claim, has been amended to emphasize important distinguishing features of the invention over the prior art. The claim now recites a "two-part" combination label holder and sign comprised of a label holder component and a sign component. Both components distinguish from the prior art, as does the combination of the two components.

The label holder is described as including a label holding portion comprising front and back panels, with the back panel having, on a back surface thereof, a pair of vertically spaced apart, horizontally disposed channel-forming flanges extending over the full width of the back panel.

The sign component is described in the amended claim is formed of a single sheet of plastic material and comprising an elongated tongue-like mounting portion and a sign portion disposed at right angles thereto. The tongue-like mounting portion is described as being snugly slidably received in the horizontally disposed channel-forming flanges provided on the back panel.

No similar features are shown in the prior art.

The applicant is not seeking to claim in any broad sense the combination of a label holder and an outwardly projecting sign, as reflected in the Dufresne patent 5,967,343. Rather, it is a specific construction of a combination label holder and sign, which is economical to manufacture and easy to assemble and use. The Dufresne reference, for example, is a three-piece construction, involving a first element that clips on to the front of the gondola shelving, a sign clip that clips on to the edge of the first member, and a sign that is inserted into the sign clip. The stocking and handling of a three-piece assembly can become a major inconvenience for store personnel.

The applicant's device, as set forth in claim 1, calls for the label holder component to include a mounting clip portion, a label holding portion, and a thin, flexible hinge integrally joining the label holder and mounting clip portions. The Examiner refers to the Nagel U.S. Patent 6,266,906 as showing a "hinge 15" separating the label holder portion from the mounting portion 20. However, the connecting portion 15 of Nagel does not fairly meet the requirements of "a thin, flexible hinge" joining the label holding and mounting clip portions for "limited pivoting movement". The portion 15 "joins" the panels 20 and 14, but certainly is not intended to act as a "hinge" in the customary sense of that term.

Claim 1, as now amended, further calls for the back panel of the label holding portion to have, on the back surface thereof, a pair of vertically spaced apart, horizontally disposed channel-forming flanges, used for mounting the sign component. The prior art does not show such a feature. (The flanges shown in Fig. 7 of Dufresne are on the mounting portion and serve to mount the unit on a metal plate 108.)

The sign component, as set forth in applicant's amended claim, calls for the sign to be formed of a single sheet of plastic material and to comprise an elongated tongue-like mounting portion and a sign portion disposed at right angles to the mounting portion. The tongue-like mounting portion is specified as being snugly "slidably received in said horizontally disposed channel-forming flanges" to mount the sign component on the label holding portion.

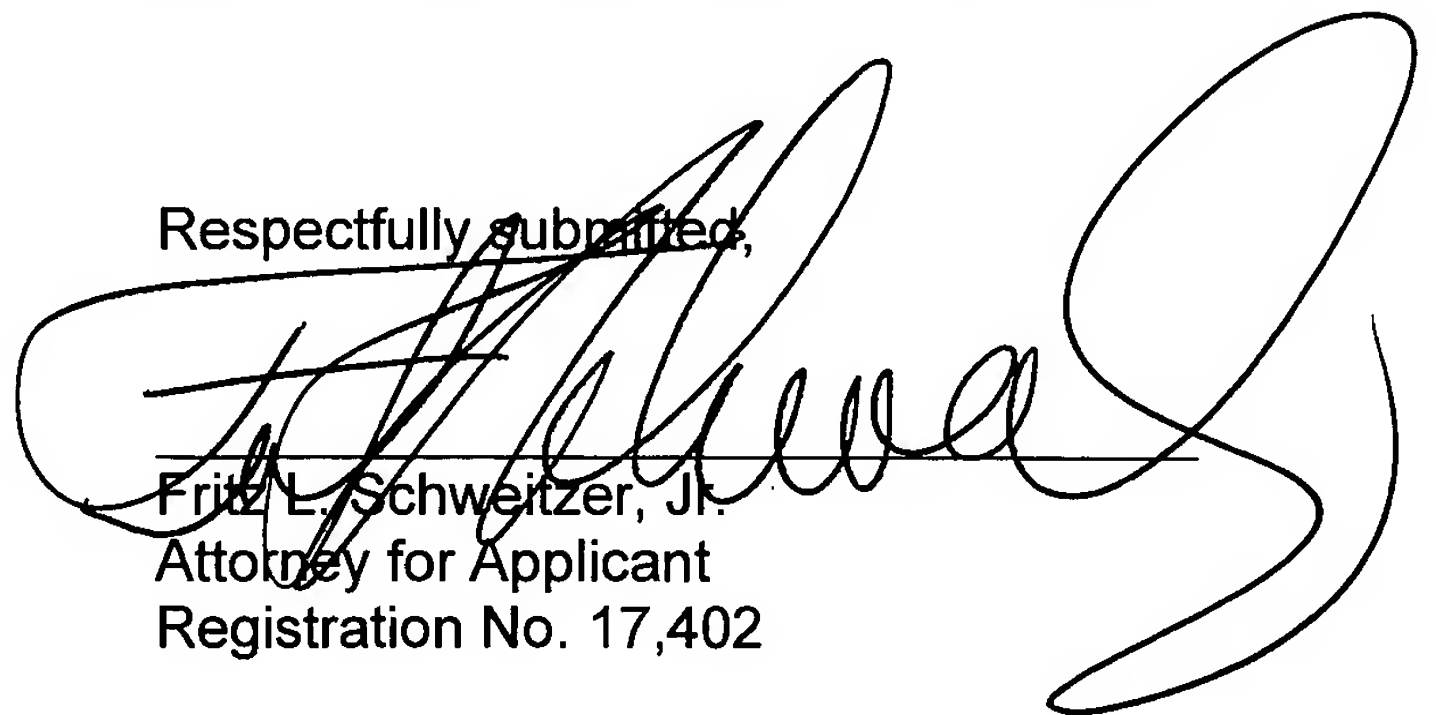
The Examiner will appreciate that the structure set forth in claim 1 is a much more economical and useful device than the three-part assembly of the Dufresne reference. In addition to the important advantage of having only two components for the store personnel to deal with, the structure of applicant's claim 1 is a much more secure mounting of the sign component, with an elongated tongue snugly gripped along the back panel of the label holder, so that accidental dislodgment is effectively prevented. With the device of the Dufresne patent, in contrast, the

outwardly extending sign elements could easily be dislodged from the sign clip attached to the edge of the label holder.

The Nagel patent 6,266,906, which is owned by the applicant's assignee, does not deal in any way with the use of outwardly extending "talker" signs, and there clearly is no internal basis for combining the Nagel patent with the Dufresne patent. The two patents have nothing in common except that each includes a label holder capable of being mounted at the front of a gondola shelf. The substitution of the Nagel label holder for that shown in the Dufresne patent would not in any event create or suggest a combination having the features set forth in applicant's claim 1.

In the absence of a discovery of more relevant prior art, it is believed that the claims now presented herein are allowable, and an early action to that effect is requested.

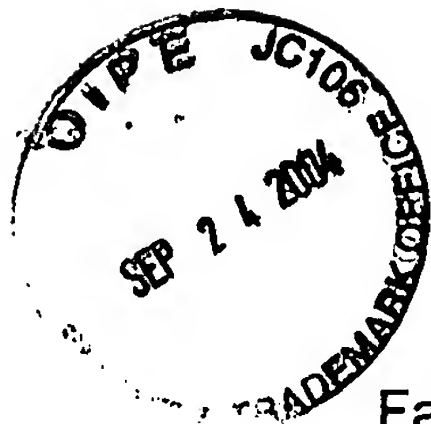
Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read 'Fritz L. Schweitzer, Jr.', is written over the typed name and title.

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Dated: September 21, 2004

Rosemarie Mannino
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